

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

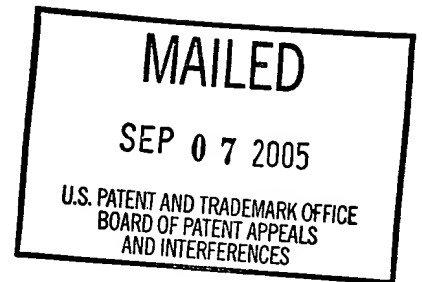
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte CYNTHIA S. BELL

Appeal No. 2005-2217  
Application No. 09/524,029

ON BRIEF



Before HAIRSTON, KRASS and NAPPI, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

REMAND TO THE EXAMINER

We hereby remand this application to the examiner for action based upon the issue addressed below.

According to the appellant (brief, page 1), claims 1 through 3, 5 through 17 and 21 through 23 are of record and stand rejected. The examiner lists the same claims in the grouping of the claims (answer, page 2), but in the grounds of rejection (answer, page 2) only lists claims 1, 8, 21 and 22. For an explanation of the grounds of rejection, the examiner

Appeal No. 2005-2217  
Application No. 09/524,029


directs the reader's attention to a prior Office Action (paper number 5). In the noted Office Action, we find that claims 1 through 3, 5 through 17 and 21 through 23 are rejected. The reply brief only responded to the four claims mentioned in the answer.

Based upon the record before us, we do not know with certainty which claims are before us on appeal. If the rejections of claims 2, 3, 5 through 7, 9 through 17 and 23 have been withdrawn, then the record should reflect the status of those claims. Thus, the examiner should clearly set forth the grounds of rejection for each of the claims on appeal.

Appeal No. 2005-2217  
Application No. 09/524,029


This application, by virtue of its "special" status requires immediate action. See Manual of Patent Examining Procedure (MPEP) § 708.01 (8<sup>th</sup> Ed., Rev. 1, Feb. 2003). It is important that the Board be informed promptly of any action affecting the appeal in this application.

REMANDED

  
KENNETH W. HAIRSTON  
Administrative Patent Judge )  
)  
)  
)  
)

  
ERROL A. KRASS  
Administrative Patent Judge )  
)  
)  
)  
)

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

  
ROBERT E. NAPPI  
Administrative Patent Judge )  
)  
)  
)  
)

KWH:hh

Appeal No. 2005-2217  
Application No. 09/524,029

TIMOTHY N. TROP  
TROP PRUNER & HU, P.C.  
8554 KATY FREEWAY, STE. 100  
HOUSTON, TX 77024